

CASE # C15-204-0024

**CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE**

WARNING: Filing of this appeal stops all affected construction activity.

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.**

STREET ADDRESS: 2009 Lake Shore Drive BD

LEGAL DESCRIPTION: Subdivision – Lakeshore Addition

Lot(s) 16 Block Outlot Division

I Jim Bennett as authorized agent for John Horton

 affirm that on 1/14/14 hereby apply for a hearing before the Board of

Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

To erect a bulkhead on an existing cut in boat slip, back fill and re-vegetate

 in a LA district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
2. the owner of the property will be deprived from the use of his property in a similar manner as other property owners along the lake have been authorized, and obtained permit to do, Without a variance the owner cannot enjoy the use of his property.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: A recent amendment to the process has occurred which makes the variance necessary in order to construct a bulkhead, back fill, and landscape this small area

. Without a variance a continued health and safety condition will continue to exist, and the owners will not be able to re-vegetate this small area.

The hardship is not general to the area in which the property is located because:

Many boatslips along the lake have been redeveloped under the previous ordinance.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The proposed redevelopment is to the rear of the property and the Lake Austin Ordinance severely restricts the improvements that maybe made in the shoreline setback,

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

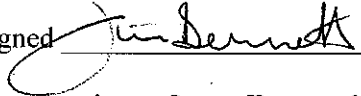
1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 11505 Ridge Dr.
City Austin, State Texas, & Zip 78748

Printed : Jim R. Bennett Phone: (512) 282-3079 _____ Date:

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

2009 Lakeshore
Dr.
Bldg BD

January 14, 2014

City of Austin
Planning and Development Review Department
PO Box 1088
Austin, TX 78716

To Whom It May Concern:

I, John Horton, own the property next door to 2009 Lake Shore Drive, Deed Doc.# 2011168282. I wish to construct a new bulkhead and place fill in the lake to close off an existing man-made cut-in dock area that jointly serves 2009 Lake Shore Drive. Bruce S. Aupperle, P.E. and Aupperle Company are our authorized agents for the City of Austin applications needed for the subject work at the property. Please contact me if you have any questions.

Regards,

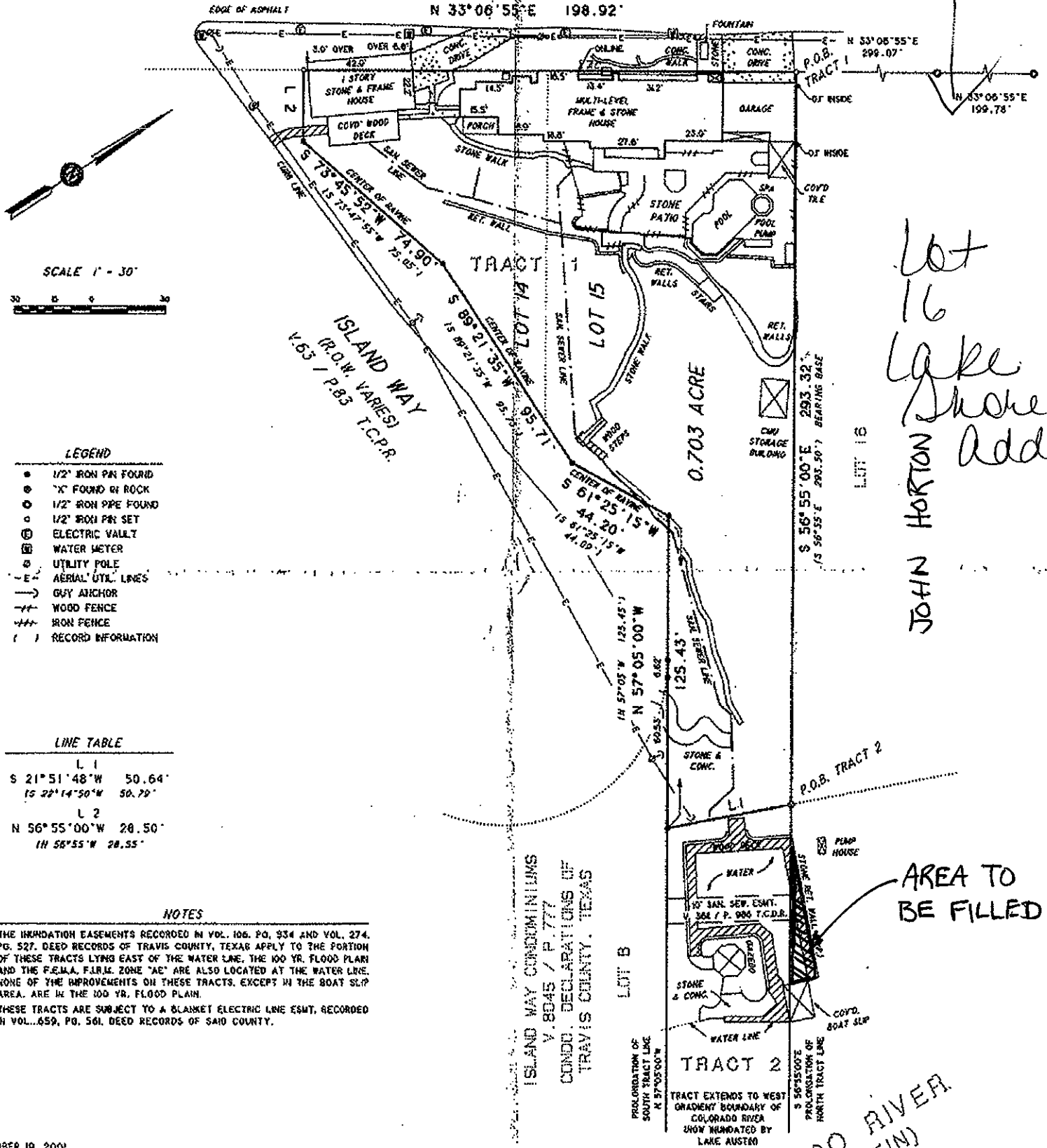


John C. Horton III
903 Nueces Street
Austin, TX 78701
512-477-9966 office
512-476-2172 fax
jhorton3@gmail.com

Prop Row-
5085293

LAKE SHORE DRIVE (140' R.O.W.)

TP-0119090303



Lot
16
Lake
Shore
Addr
JOHN HORTON

CEMBER 10, 2001

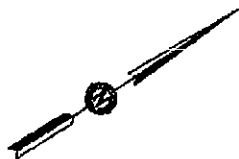
EXCLUSIVELY TO EDWARD M. PARKEN AND WIFE, SUSAN PARKEN, THE OWNERS OF TRACT 1, ACCORDING TO THE DEED RECORDED IN VOLUME 13104, PAGE 1448, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

HE UNDERSIGNED HEREBY STATES THAT THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON THAT THERE ARE NO APPARENT DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE PUBLIC UTILITIES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY ADJACENT TO A DEDICATED ROADWAY, A PORTION OF THE ABOVE DESCRIBED PROPERTY IS IN ZONE AE AND IS WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD



LAKE SHORE DRIVE (40' R.O.W.)

N 33° 06' 55" E 198.92'



SCALE 1" = 30'



LEGEND

- 1/2" IRON PIN FOUND
- "X" FOUND IN ROCK
- 1/2" IRON PIPE FOUND
- 1/2" IRON PIN SET
- Ⓢ ELECTRIC VAULT
- Ⓢ WATER METE
- Ⓢ UTILITY POLE
- E- AERIAL "UTL." LINES
- GUY ANCHOR
- == WOOD FENCE
- +++ IRON FENCE
- () RECORD INFORMATION

LINE TABLE

L 1
S 21° 51' 48" W 50.64'
15 22° 14' 50" W 50.70'

L 2
N 56° 55' 00" W 28.50'
1N 56° 55' W 28.55'

NOTES

THE FLOODING EASEMENTS RECORDED IN VOL. 106, PG. 934 AND VOL. 274, PG. 527, DEED RECORDS OF TRAVIS COUNTY, TEXAS APPLY TO THE PORTION OF THESE TRACTS LYING EAST OF THE WATER LINE, THE 100 YR. FLOOD PLAIN AND THE F.E.M.A. F.I.R.M. ZONE "A" ARE ALSO LOCATED AT THE WATER LINE. NONE OF THE IMPROVEMENTS ON THESE TRACTS, EXCEPT IN THE BOAT SLIP AREA, ARE IN THE 100 YR. FLOOD PLAIN.

THESE TRACTS ARE SUBJECT TO A BLANKET ELECTRIC LINE ESMT. RECORDED IN VOL. 859, PG. 561. DEED RECORDS OF SAHO COUNTY.

ECMBER 19, 2001

EXCLUSIVELY TO EDWARD M. PARKEN AND WIFE, SUSAN PARKEN, THE OWNERS OF TRACT I, ACCORDING TO THE DEED RECORDED IN VOLUME 13104, PAGE 144B, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

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ISLAND MAY CONDOMINIUMS
V.8045 / P.777
CONDO. DECLARATIONS OF
TRAVIS COUNTY, TEXAS

ACT EXTENDS TO WEST
ADJACENT BOUNDARY OF
COLORADO RIVER
NOW TERMINATED BY
LAKE AUSTIN

3 30°55'00" N
106°05'00" W
PRAIRIE CREEK
NORTH TRAIL

COLORADO RIVER
(LAKE AUSTIN)

↓ ARPENTEURS
PROFESSIONAL SURVEYING

JOHN HORTON

-AREA TO
BE FILLED